GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

Public Services-Transport Department-Surprise Check conducted by the ACB on the O/o Deputy Transport Commissioner, Chittoor on 29.10.2007 on the allegations of corrupt practices-Disciplinary Action initiated against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor and six(6) other officials of O/o Dy.Tr.Commr., Chittoor-Case Entrusted to Commissioner Of Inquiries(COI-P) for Detailed Enquiry-Enquiry Conducted-Enquiry Report submitted- Punishment of CENSURE awarded against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor, and presently Deputy Transport Commissioner, Nellore- Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 170 **Dated: 31-03-2016**

Read the following:

1)From the Director-General, Anti-Corruption Bureau, A.P., Hyderabad, Letter No.79/DES-TCT/2007, Dated:01.04.2008.
2)Govt.Memo No.5434/Vig.III/A2/2008-1, Dated:02.01.2009.
3)Charge Memo No.7904/V3/2007-1, Dated:07.02.2009 of Transport Commissioner, A.P., Hyderabad.
4)From Sri N.Siva Rama Prasad, Regional Transport Officer, Tirupati, Written Statement of Defence Dated:21.01.2010.
5)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:16.04.2011.
6)G.O.Rt.No.650, T,R&B(Vig.III.2)Deptt., Dated:27.06.2012.
7)From General Administration(COI.P)Department, D.O.Letter No. 210/COI.P/2012-7, Dated:13.02.2014.
8)Govt.Memo No.5434/Vig.Tr./A2/2008-10, Dated:31.12.2014.
9)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:21.05.2015.

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ORDER:

In the reference first read above, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad submitted his Surprise Check Report, stating that a Surprise Check was conducted by the Bureau on 29.10.2007 on the Office of Deputy Transport Commissioner, Chittoor which revealed that the Officers and staff of the said Office are committing irregularities by employing unauthorized Private Persons as Agents while discharging their official duties and thereby indulging in corruption and has, therefore, recommended Departmental Action for Major Penalty against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor and six others of the O/o Dy.Tr.Commr., Chittoor.

Government, after careful examination of the matter, have requested the Transport Commissioner, A.P., in the reference second read above, to initiate Disciplinary Proceedings against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor, for certain irregularities committed by him. In pursuance of the above Instructions issued by the Government, the Transport Commissioner, A.P., Hyderabad has initiated Disciplinary Proceedings against Sri N. Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor by framing articles of charges in the reference third read above.

In the reference fourth above, Sri N.Siva Rama Prasad, Regional Transport Officer, Tirupati, submitted his Written Statement of Defence, denying the charges and requesting to drop further action. In the reference fifth read above, the Transport Commissioner, A.P., has requested the Government to entrust the case to the Commissionerate Of Inquiries for conducting Departmental Enquiry under Common Proceedings, since there are limited number of Officers above the rank of Deputy Transport Commissioner and large number of Enquiries are pending with them.

In the G.O. sixth read above, orders were issued appointing Dr.Prem Chand, IAS(Retd.), Commissioner of Inquiries, General Administration Department as Inquiring Authority to conduct Detailed Inquiry into the charges framed against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor and six(6) other Officers and staff of O/o Dy.Tr.Commr., Chittoor.

In the reference seventh read above, the Inquiring Authority submitted his Enquiry Report, holding the charges against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor as PROVED.

In the reference eighth read above, a copy of the Enquiry Report was communicated to the Charged Officer, Sri N.Siva Rama Prasad, Deputy Transport Commissioner, Nellore for his Further Representation, if any.

Sri N.Siva Rama Prasad, Deputy Transport Commissioner, Nellore, submitted his Further Representation Dated:04.05.2015 received through the reference ninth read above, wherein, at the outset while denying the charges in toto, he has represented that, according to the Job Chart of the Officers/Staff of O/o Dy.Tr.Commr., Chittoor, the RTO is only the Subordinate Officer to the Dy. Tr.Commr., and he has no independent jurisdiction to pass/issue any orders, as may be observed from the Job Chart; that, as such, he cannot exercise powers/ duties of Dy.Tr.Commr., that the Inquiry Authority, in his Statement of Analysis & Assessment, as recorded, that he, being the RTO, is an Independent Officer in the Transport Department for Chittoor Division and on that ground alone he held the charge as Proved against him; that the said Finding is totally incorrect based on record; that the RTO is one of the Officers under the administrative control of the Dy. Tr.Commr., who is the Officer/Head of the Office, as may be observed/noted from the Proceeding of the Dy.Tr.Commr., vide Rc.No. A3/2009, Dt:16.07.2009; that, as the RTO, he has no independent Division or Jurisdiction in Chittoor District; that, hence, the Findings arrived at by the Inquiry Authority are incorrect, unfounded, baseless and outside the purview of the charge; that the Inquiry Authority has come to the conclusion that he has not committed mistake in this case in terms of the charge. Therefore, in arriving conclusion, he has exceeded his jurisdiction to hold the charge as Proved, on the false ground that as the RTO, he is the Independent Officer of the Chittoor Division, which is wholly not based on record and also not covered by charge; that the Inquiry Authority could not find any “misconduct” on his part in his Report of Inquiry; that the Inquiry Authority has not pointed out any negligence or derelictions of duty on his part in his Report of Inquiry; that all Govt. Offices are Public Offices and accessible to general public and to attribute that all visitors to Public Offices come with an ulterior motive to bribe Officers/Employees is unfair/unlawful, unless and until it is proved otherwise; that, in the light of the above, in so far as he is concerned, the Finding of the Inquiry Authority is totally unfounded/ baseless and in utter disregard of and contrary to the facts of the case and of law, since there is no evidence on record, either oral or documentary, to show that he was involved/responsible for the allegations in the charge, either directly or indirectly; and has, therefore, requested the Government to examine the matter in the right perspective, in so far as he was concerned, and consider to drop all further action against him.

Government have examined the entire issue carefully and have observed that “the contentions raised by the Charged Officer were already examined by the Inquiring Authority. The presence of the Agents is indirectly admitted by the Charged Officers 1 to 3. Every Charged Officer is passing responsibility onto the other Officer. For the said reason, the Inquiring Authority held that the charges against the Charged Officers 1 to 3 as PROVED. Regional Transport Officer, as the Second Level Officer working in the Deputy Transport Commissioner’s Office, cannot be absolved the responsibility of checking the movement of Private Persons in the Office. He being the Supervisory Officer sitting in the Office working under the control of the Deputy Transport Commissioner is equally responsible to check the movement of Private Persons in and around the Office and he should have effective control over the staff not to resort to such irregular practices in the Office”. Therefore, Government have decided to accept the Finding of the Inquiring Authority, COI.P., in respect of Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor, keeping in view of the Instructions issued by the Transport Commissioner, A.P., vide Cir.Memo.No.6/14301/C2/05, Dated: 25.02.2006, and to award CENSURE against the above named Charged Officer for his supervisory lapse.

Accordingly, Government hereby award “CENSURE” against Sri N.Siva Rama Prasad, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor, and presently Deputy Transport Commissioner, Nellore.

The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri N.Siva Rama Prasad, Deputy Transport Commissioner, Nellore. **THROUGH** the Transport Commissioner, A.P., Hyderabad.

The Transport Commissioner, A.P., Hyderabad.

Copy to:

1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.

2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.

3)The General Administration(COI.P)Department, for information.

4)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER